

Date: October 2, 1989

To: All Wisconsin Nursing Homes

From: Larry Tainter, Director  
Bureau of Quality Assurance

Subject: Use of Facsimile Machines for Communications Between Nursing Homes and Other Health Care Providers

This memo has been prepared in response to a number of requests and questions that have been raised about the use of facsimile (fax) machines for communications between nursing homes and physicians and/or pharmacists. Facsimile machines can be used for these communications between health care providers including for physician orders as long as they meet the appropriate nursing home code requirements.

Federal and state nursing home regulations address communications between physicians and facility staff in several areas. However, they do not specifically address the use of facsimile machines or other types of electronic mail. The regulations do require that the facility staff and physicians communicate directly (i.e., in person) when necessary to adequately assess and treat residents. The reason for requiring direct communication between the physician and nurse, pharmacist or therapist is to safeguard against miscommunication and misdiagnosis due to insufficient or incorrect information regarding the resident's condition and to afford both parties the opportunity to seek whatever clarification is necessary. In regard to medical records, the regulations require that the confidentiality of medical records be maintained, that the facility guard against the potential for alteration of medical records, and that the medical record, as a legal document, be maintained for at least 5 years. Poor paper quality is a problem with some machines because data fades after a period of time. This can be remedied by making a photocopy of the faxed document upon receipt and using the photocopy in the record.

For your information, the American Medical Records Association has adopted the position that the history and physical, discharge summary and physician progress notes can be faxed if proper indestructible paper is used. The Association has expressed concern about the use of this medium for physician orders because it limits communications between physicians, nurses and pharmacists. Also, we have been advised that the Pharmacy Examining Board of the Department of Regulation and Licensing has been considering the issue of transmitting drug orders by facsimile machine, and may initiate administrative rule modifications to address this practice.

In summary, facsimile machines can be used within existing regulatory requirements for communications between the facility staff and other physicians and other providers. They cannot be a substitute for direct communication between health care providers when it is necessary, but they certainly can be used to speed up the transmission of information and to provide written verification for the medical record. Questions about this subject should be directed to the appropriate Field Operations Manager in the Bureau of Quality Compliance district offices.

LT:SW:jmb

cc: Board on Aging & Long Term Care  
Wis. Counties Association  
Wis. Assoc. of Nursing Homes  
Wis. Assoc. of Homes & Services for the Aging  
Wis. Medical Records Assoc. Consultants Comm.  
Service Employees International Union  
Wis. Coalition for Advocacy  
George F. MacKenzie  
Section Chiefs  
Field Operations Managers  
LTC Surveyors